

REMARKS/ARGUMENTS

Claim 1 in the Listing of Claims was canceled in the previously submitted amendment document mailed to the USPTO on September 6, 2005.

Claim 2 in the Listing of Claims is submitted as "Currently amended". It contains corrections that comply with the Office Action Summary Claim Objections made by the examiner and mailed by the USPTO on September 27, 2005.

In conjunction with this amendment document, I have submitted a six (6) page response letter that includes my respectful arguments stating why I believe this Office Action should not be final. It addresses errors made by the examiner, and requests that the Director of the USPTO review my patent application and all correspondence between the USPTO and me to date for reconsideration of issuance of a patent. It argues why I believe my invention as documented in my patent application claim is a patentable novelty when considered alone and when compared to the reference cited in the Office Action Summary Claim Rejections made by the examiner. It also argues the distinct differences between documentation in my patent application claim and documentation in Lamparter's patent claims and patent application (US 5,604,480).

Respectfully submitted,



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Art Unit: 2875

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Lamparter (US 5,604,480).

Lamparter discloses (Figs.2, 5) a lighting device having a plurality of arrays of LEDs [20'] that form a plurality of differently shaped symbols. The device includes an electrical circuit ([53]+[62]) and a light having two different colors (col.2, lines 25-30).

It would have been an obvious matter of design choice to provide the different decorative shapes formed by the arrays of the LEDs for the purpose of an aesthetic appearance.

Response to Arguments

Applicant's arguments filed 9/06/2005 have been fully considered but they are not persuasive.

Applicant argues, that Lamparter discloses the device displaying the words, but does not display two cats positioned together to form a hearth shape.

In response, the reference cited in the Office Action discloses the device having the structure in accordance with the claim limitations. The structure can obtain any desired shape, which is a matter of design choice, because does not change functionality of the device and used for the purpose of an aesthetic appearance only. Difference between the "Utility patent" and "Design Patent" Applicant can find in the MPEP, chapter 1500.

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